

U.S.A. vs **EFRAIN HERNANDEZ**

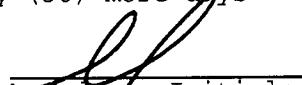
No. 08CR1324-BEN

The Court finds excludable delay, under the section indicated by check (✓), commenced on May 22, 2008 and ended on 8/4/08; ( ) and ended on \_\_\_\_\_ ( )

3161(h)

- (1) (A) Exam or hrg for **mental or physical incapacity** A
- (1) (B) **NARA examination** (28:2902) B
- (1) (D) State or Federal trials or **other charges pending** C
- (1) (E) **Interlocutory appeals** D
- (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo) E
- (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40) F
- (1) (J) **Proceedings under advisement** not to exceed thirty days G
- Misc proc: Parole or prob rev, deportation, **extradition** H
- (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less 6
- (1) (I) Consideration by Court of **proposed plea agreement** 7 I
- (2) **Prosecution deferred** by mutual agreement M
- (3) (A) (B) **Unavailability of defendant or essential witness** M
- (4) Period of **mental or physical incompetence** of defendant to stand trial N
- (5) Period of **NARA commitment or treatment** O
- (6) **Superseding indictment and/or new charges** P
- (7) **Defendant awaiting trial of co-defendant** when no severance has been granted R
- (8) (A) (B) **Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance T
- (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. **(Continuance - miscarriage of justice)** T1
- 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. **(Continuance - tendered a guilty plea)**
- (8) (B) (ii) 2) **Case unusual or complex** T2
- (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days T3
- (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare **(Continuance re counsel)** T4
- 3161(I) Time up to **withdrawal of guilty plea** U
- 3161(b) **Grand jury indictment time extended** thirty (30) more days W

Date 5/22/08

 Judge's Initials